

United States District Court**for****Southern District of Ohio****Amended Petition for Warrant or Summons for Offender Under Supervision**
(adding violation #3 - conviction for B&E and Possession of Criminal Tools)Name of Offender: **Roger Kent Berry**Case Number: **1:02CR-004-01**Name of Sentencing Judicial Officer: **The Honorable S. Arthur Spiegel,**
Senior United States District Court JudgeDate of Original Sentence: **May 23, 2002**Original Offense: **Bank Robbery**Original Sentence: **70 months prison, 36 months supervised release, substance abuse program at the discretion of the probation officer which may include inpatient or outpatient treatment, urinalysis to determine his reversion to the use of illegal substances or alcohol.****8-21-07: Supervised Release warrant issued**Type of Supervision: **Supervised Release**Date Supervision Commenced: **February 26, 2007**Assistant U.S. Attorney: **Terry W. Lehmann, Esq.**Defense Attorney: **W. Kelly Johnson, Esq.**

PETITIONING THE COURT

- ☒ To issue a warrant (detainer previously filed - defendant in state custody- Inmate #569364)
- ☐ To issue an Order to Appear and Show Cause
- ☐ To grant an exception to revocation without a hearing.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
#1	The defendant is alleged to have violated the condition of supervision to, "refrain from any unlawful use of a controlled substance," in that he tested positive for cocaine on the following dates: April 16, 2007; April 30, 2007; and May 9, 2007.
#2	The defendant is alleged to have violated the special condition of supervision to, "participate in any substance abuse program at the direction of the supervising the probation officer..." in that he has failed to attend treatment at Daymont Behavioral Health Care, Inc., since May 9, 2007.
#3	The defendant is alleged to have violated the mandatory condition of supervision to, "not commit another federal, state, or local crime" in that on February 5, 2008, Berry was found guilty of Breaking and Entering and Possession of Criminal Tools in Montgomery County, Ohio Court of Common Pleas, case #07-CR-03422(2) and sentenced to 12 months imprisonment, both counts concurrent.

U.S. Probation Officer Recommendation:

The term of supervision should be

- ☒ Reviewed at the initial supervised release violation hearing.
☐ Extended for years, for a total term of years.
☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that
the foregoing is true and correct.

Executed on 5-12-08

by



Raynell M. Adams
U.S. Probation Officer

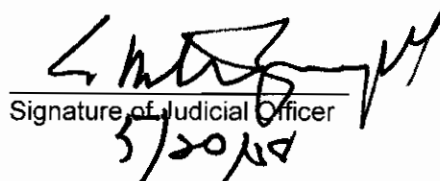
Approved,



Kristin Keyer
Senior U.S. Probation Officer
Date: 5-12-08

THE COURT ORDERS:

- ☐ No Action
☒ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.
☐ The Issuance of an Order to Appear and Show Cause
☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
☒ Other


 Signature of Judicial Officer

Date